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BORDEN LADNER GERVAIS LLP
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, ON K1P 1J9
CANADA

EXAMINER

STORM, DONALD L

ART UNIT PAPER NUMBER

2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/739,392

Applicant(s)

BRENNAN ET AL.

Examiner

Donald L. Storm

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

The Applicant's RESPONSE UNDER 37 C.F.R. 1.114, filed on December 14, 2006, has been entered. An action continuing examination on the merits follows. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Informalities

2. Claim 15 is objected to under 37 CFR 1.75(a) because the meaning of the phrase "said selection step" (line 1) needs clarification. Because no selection step was previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase as --said selecting step--.

Claim Rejections - 35 USC § 102

Ittycheriah

3. Claims 1, 2, 4-7, 9-12, 15, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ittycheriah [US Patent 5,924,070].

4. Regarding claim 1, Ittycheriah [at abstract] describes a method of customizing a speech based user interface to an application system by means of an input device by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

accessing a speech user interface subsystem from an input device [at column 3, lines 59-61, as voice input to the speech recognition system and speaker recognition arrangement implemented in the IVR by microphone];

selecting a profile of user-defined functions from a profile database for customization of said profile by a user [at column 6, lines 15-36, as access a group of commands presented to the user by display of the user's page in database to update a previously enrolled command or a new enrollment];

customizing the functions that are presented to the user for use within the profile [at column 6, lines 24-51, as update a previously enrolled command presented to the user by display of the user's page of the database];

saving said profile in said database of said application system [at column 5, lines 36-46, as enrolled command is stored in command library and/or database part of command library in the articulation of the system];

providing said profile to said speech based user interface for presentation upon subsequent access by the user [at column 6, lines 14-56, as access the user's page upon an enroll command recognized by voice command to present the user's page of previously enrolled commands to the user and prompt by voice synthesizer to enter data by voice].

5. Regarding claim 2, Ittycheriah also describes:

customizing comprises specifying information presented in a status summary [at column 6, lines 16-52, in the enrollment procedure, the user says the name to be recognized of the previously enrolled command in the display of the user's page of previously enrolled commands].

6. Regarding claim 4, Ittycheriah also describes:

customizing comprises specifying a vocabulary structure in a speech recognition driven user interface [at column 6, line 42-column 7, line 5, as specify an alias to be used to specify other aliases in a nested or hierarchical fashion by entering data by voice to be recognized].

7. Regarding claim 5, Ittycheriah also describes:

creating an additional function [at column 6, lines 40-56, as say the name to be recognized and enter data for the field of a new line provided in the user's page];

the function accesses elements external to said application system [at column 3, lines 18-43, as the customized libraries of commands can be used to route outgoing calls to external callers].

8. Regarding claim 15, Ittycheriah also describes:

said selection step is performed automatically [at column 4, lines 56-67, as access to commands in the command library is provided once a speaker/user is identified by speaker recognition].

9. Regarding claim 16, Ittycheriah also describes:

said customizing step comprises selecting functions from a menu [at column 6, lines 16-52, in the enrollment procedure, the user says the name to be recognized of the previously enrolled command in the menu display of the user's page of previously enrolled commands].

10. Regarding claim 6, Ittycheriah [at abstract] describes a method of providing a customized speech based user interface to an application system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

receiving an access request from a user [at column 4, lines 12-16, as logon a user identity to access control would grant access];

retrieving a customized profile for the user from a database, the profile comprising user-defined functions made available to the user, said profile previously customized by said user [at column 6, lines 15-36, as access a group of commands presented to the user by display of the user's page in database to update a previously enrolled command of the user's page];

presenting said functions via said customized speech based user interface in accordance with said profile [at column 6, lines 14-56, as access the user's page upon an enroll command recognized by voice command to present the user's page of previously enrolled commands to the user and prompt by voice synthesizer to enter data by voice or invoke editing or review of the enrolled commands];

providing access to data elements presented in said functions [at column 6, lines 50-54, as process a line for editing and prompt to enter data for a field].

11. Regarding claim 7, Ittycheriah also describes:

said user-defined functions comprise a status summary played upon successful access to the system [at column 6, lines 16-40, the previously enrolled commands are in the display of the user's page of previously enrolled commands once the enrollment procedure is invoked].

12. Regarding claim 9, Ittycheriah also describes:

said user-defined functions comprise a vocabulary structure in a speech recognition driven user interface [at column 6, line 42-column 7, line 5, as the user specifies an alias to be used to specify other aliases in a nested or hierarchical fashion by entering data by voice to be recognized].

13. Regarding claim 10, Ittycheriah also describes:

said user-defined functions comprise additional functions [at column 6, lines 40-56, as the name to be recognized and data for the field of a new line provided in the user's page];

the functions access elements external to said application system [at column 3, lines 18-43, as the customized libraries of commands can be used to route outgoing calls to external callers].

14. Regarding claim 11, Ittycheriah [at abstract] describes a communication system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

an input device [at column 3, line 49, as microphone];

an application system [at column 3, lines 58-62, as IVR];

a profile database comprising a plurality of profiles of user-defined functions of a speech based user interface for use with said application system [at column 5, lines 50-65, as the database containing a "page" or directory of customized commands for each user to decode the command by speech recognizer for voice dialing];

a speech user interface for presentation of one of said plurality of profiles [at column 6, lines 14-56, as voice command to present the user's page of previously enrolled commands to the user and prompt by voice synthesizer to enter data by voice to access the user's page upon an enroll command recognized by voice command to present the user's page of previously enrolled commands to the user];

an audio output device [at column 6, line 41, as a voice synthesizer].

15. Regarding claim 12, Ittycheriah also describes:

said application system is a unified communications system [at column 3, lines 21-45, as components of the system architecture are an IVR to handle call interactions with users, a database, a speech recognition system, a network, PBX, and PSTN].

16. Regarding claim 20, Ittycheriah also describes:

said application system is located remote for a user and further comprising a network interface for communication between said application system and said user [at column 3, lines 36-42, as the system architecture may include external access to the voice dialing system through PBX and PSTN arrangements to allow inputs and handle incoming calls from subscribers].

Claim Rejections - 35 USC § 103

Ittycheriah and Beyda

17. Claims 3, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ittycheriah [US Patent 5,924,070] in view of Beyda et al. [US Patent 6,487,277], already of record.

18. Regarding claim 3, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. When Ittycheriah [at column 6, lines 14-36] describes access to the menu items presented to the user, Ittycheriah does not discuss the order of the menu items. In particular, Ittycheriah does not explicitly describe customizing the menu structure in a DTMF driven user interface.

Like Ittycheriah, Beyda [at column 7, lines 31-43] includes an embodiment in which a user may store functions that the user will access the next time. Beyda describes a menu of functions and describes:

customizing a command menu structure in a DTMF driven user interface [at column 4, lines 9-15, as provide the user's menu of command in an updated order according to frequency of use according to the particular user by monitoring the DTMF receiver and the selections].

As indicated, Beyda had described customizing a command menu structure in a DTMF driven user interface at the time of invention. Since Beyda [at abstract] also points out that adjusting the order selected functions are presented has the advantage of tailoring the presentation to the needs of users, it would have been obvious to one of ordinary skill in the art of interactive voice response systems at the time of invention to include the concepts described by Beyda, at least including customizing the way that Ittycheriah's command menu structure is presented for the user voice-command presentation of menu items, because that would provide the advantage of tailoring the presentation to the needs of the user.

19. Regarding claim 8, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. Ittycheriah also describes:

said user-defined functions comprise a command menu structure [at column 6, lines 16-52, the previously enrolled commands in the menu display of the user's page of previously enrolled commands].

Ittycheriah [at column 3, lines 36-45] connects the IVR to a PBX and the PSTN for access by subscribers; however, Ittycheriah does not explicitly describe the command menu in a DTMF driven user interface.

Like Ittycheriah, Beyda [at column 7, lines 31-43] includes an embodiment in which a user may store functions that the user will access the next time. Beyda describes a menu of functions and describes:

a command menu structure in a DTMF driven user interface [at column 4, lines 9-15, as provide the user's menu of command according to the particular user by monitoring the DTMF receiver and the selections].

As indicated, Beyda had described customizing a command menu structure in a DTMF driven user interface at the time of invention. To the extent that Ittycheriah does not necessarily include the menu display of commands of the user's page in a DTMF driven interface, it would have been obvious to one of ordinary skill in the art of interfacing IVR systems to PBX and PSTN at the time of invention to include the DTMF concept described by Beyda to provide the advantage of connecting Ittycheriah's system to allow an command enrollment interface via DTMF-capable PBX and PSTN interfaces.

20. Regarding claim 17, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. When Ittycheriah [at column 6, lines 14-36] describes access to the menu items presented to the user, Ittycheriah does not discuss the order of the menu items. In particular, Ittycheriah does not explicitly describe selecting the order that selected functions are presented.

Like Ittycheriah, Beyda [at column 7, lines 31-43] includes an embodiment in which a user may store functions that the user will access the next time. Beyda describes a menu of functions and describes:

selecting the order selected functions are presented [at column 8, lines 53-56, as update the presentation order of the options to present most popular selections first].

As indicated, Beyda had described selecting the order that selected functions are presented at the time of invention. Since Beyda [at abstract] also points out that selecting the order selected functions are presented has the advantage of tailoring the presentation to the needs of users, it would have been obvious to one of ordinary skill in the art of interactive voice response systems at the time of invention to include the concepts described by Beyda, at least including selecting the order selected functions are presented for Ittycheriah's presentation of menu items, because that would provide the advantage of tailoring the presentation to the needs of the user.

Ittycheriah and Braman

21. Claims 8, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ittycheriah [US Patent 5,924,070] in view of Braman et al. [International Publication WO 99/14928], already of record.

22. Regarding claim 8, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. Ittycheriah also describes:

said user-defined functions comprise a command menu structure [at column 6, lines 16-52, the previously enrolled commands in the menu display of the user's page of previously enrolled commands].

Ittycheriah [at column 3, lines 36-45] connects the IVR to a PBX and the PSTN for access by subscribers; however, Ittycheriah does not explicitly describe the command menu in a DTMF driven user interface.

Like Ittycheriah, Braman [at pages 3-5] provides a customizable, user, dialing entry system with speech recognition. Braman also describes:

user-defined functions [at page 5, line 1, as directory entries from programming];

they comprise specifying a command menu structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, for access code (2 levels), mailbox number, and menu selections (2 levels)];

it is specified in a dual tone multi frequency driven user interface [at page 5, line 6, as the call and VAS are conferenced and a DTMF receiver is attached].

As indicated, Braman had described customizing a command menu structure in a DTMF driven user interface at the time of invention. To the extent that Ittycheriah does not necessarily include the menu display of commands of the user's page in a DTMF driven interface, it would have been obvious to one of ordinary skill in the art of interfacing IVR systems to PBX and PSTN at the time of invention to include the DTMF concept described by Braman to provide the

advantage of connecting Ittycheriah's system to allow an command enrollment interface via DTMF-capable PBX and PSTN interfaces.

23. Regarding claim 13, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. At column 4, lines 27-44, Ittycheriah recognizes that the customized command and applications library can select and access any complex commands and applications that are available to the user, but is not limited to the voice dialing application that is described. However, Ittycheriah does not discuss selecting and commanding the other applications in detail. In particular, Ittycheriah does not explicitly describe a unified messaging system.

Like Ittycheriah, Braman [at pages 3-5] provides a customizable, user, dialing entry system with speech recognition. Braman also describes:

the application system is a unified messaging system [at page 7, lines 10-13, as the system provides dialing information, DTMF menu selections, and security codes for voice mail].

As indicated, Braman shows that a customizable, user, dialing entry system with speech recognition to a unified messaging system was known to artisans at the time of invention. Since Braman [at page 6, line 10-page 7, line 10] also points out that a customized user command has the advantage that the command can be executed to provide access to a unified voice messaging system, it would have been obvious to one of ordinary skill in the art of controlling access to voice message systems at the time of invention to include the concepts described by Braman, at least including a customizable, user, dialing entry system with speech recognition to a unified messaging system as one of the other applications as Ittycheriah suggests, because such a command can be executed to provide access to a unified voice messaging system.

24. Regarding claim 14, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. At column 4, lines 27-44, Ittycheriah recognizes that the

customized command and applications library can select and access any complex commands and applications that are available to the user, but is not limited to the voice dialing application through PBX and PSTN that is described. However, Ittycheriah does not discuss selecting and commanding other applications by other communications networks in detail. In particular, Ittycheriah does not explicitly describe the application system comprises equipment within an automobile.

Like Ittycheriah, Braman [at pages 3-5] provides a customizable, user, dialing entry system with speech recognition. Braman also describes:

the application system comprises equipment within an automobile [see Fig. 1, items 14, 15, 21, and their descriptions especially at page 4, lines 8-13, of a cellular handset in an automobile and routed to the VAS].

As indicated, Braman shows that a customizable, user, dialing entry system with speech recognition to a unified messaging system with equipment within an automobile was known to artisans at the time of invention. Since Braman [at page 1, lines 10-19] also points out that there is a need for a customized user dialing entry system with speech recognition with the advantage that a mobile user can execute customized commands to provide access to a unified voice messaging system or similar responsive systems without requiring repetitive keystroke entries, it would have been obvious to one of ordinary skill in the art of speech command systems at the time of invention to include the concepts described by Braman, at least including a customizable, user, dialing entry system with speech recognition as cellular equipment within an automobile as one of the other applications as Ittycheriah suggests, because such customized commands have the advantage of being executed without the driver's attention being diverted to the keypad of the cellular telephone.

25. Regarding claim 18, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. Ittycheriah also describes:

creating an additional function [at column 6, lines 40-56, as the name to be recognized and data for the field of a new line provided in the user's page];

the function provides services from elements external to said application system [at column 3, lines 18-43, as the customized libraries of commands can be used to route outgoing calls to external callers].

At column 4, lines 27-44, Ittycheriah recognizes that the customized command and applications library can select and access any complex commands and applications that are available to the user, but is not limited to the voice dialing application that is described. However, Ittycheriah does not discuss selecting and commanding other applications in detail. In particular, Ittycheriah does not explicitly describe creating an additional function provides information or entertainment services from elements external to the application system.

Like Ittycheriah, Braman [at pages 3-5] provides a customizable, user, dialing entry system with speech recognition. Braman also describes:

creating an additional function provides information or entertainment services from elements to the application system [at page 5, lines 1-11, as programming includes commands to reroute the call to connect to an information service].

As indicated, Braman shows that a customizable, user, dialing entry system with speech recognition to create a function that provides information or entertainment services for elements external to the application system was known to artisans at the time of invention. Since Braman [at page 5, lines 9-18] also points out that a customized user command has the advantage that the command can be executed to provide access to an information service, it would have been obvious to one of ordinary skill in the art of controlling access to information services at the time of invention to include the concepts described by Braman, at least including a customizable, user, dialing entry system with speech recognition to provide access for the user to a restricted, controlled information service as one of the other applications as Ittycheriah suggests, because

such a command can be executed to provide the user with access to receive information from the service.

26. Regarding claim 19, Ittycheriah describes the included claim elements by dependency as indicated elsewhere in this Office action. At column 4, lines 27-44, Ittycheriah recognizes that the customized command and applications library can select and access any complex commands and applications that are available to the user, but is not limited to the voice dialing application through PBX and PSTN that is described. However, Ittycheriah does not discuss selecting and commanding other applications by other communications networks in detail. In particular, Ittycheriah does not explicitly describe the application system comprises an automobile control system and automobile system functions.

Like Ittycheriah, Braman [at pages 3-5] provides a customizable, user, dialing entry system with speech recognition. Braman also describes:

the application system comprises an automobile control system [see Fig. 1, items 14, 15, 21, and their descriptions especially at page 4, lines 8-13, as a cellular handset in an automobile initiates a call and connects];

the functions comprise automobile system functions [at page 4, lines 8-9, as initiate a call from a handset in an automobile].

As indicated, Braman shows that a customizable, user, dialing entry system with speech recognition to a unified messaging system comprising automobile system functions by an automobile control system was known to artisans at the time of invention. Since Braman [at page 1, lines 10-19] also points out that there is a need for a customized user dialing entry system with speech recognition with the advantage that mobile user can execute customized commands to provide access to a unified voice messaging system or similar responsive systems without requiring repetitive keystroke entries, it would have been obvious to one of ordinary skill in the art of speech command systems at the time of invention to include the concepts described by Braman,

at least including a customizable, user, dialing entry system with speech recognition for to a unified messaging system for automobile system dialing by an automobile cellular control as one of the other applications as Ittycheriah suggests, because such customized commands have the advantage of being executed without the driver's attention being diverted to the keypad of the cellular telephone.

Response to Arguments

27. The prior Office action, mailed July 7, 2006, rejects claims under 35 USC § 102 and § 103, citing Braman and others. The Applicant's arguments and changes in RESPONSE UNDER 37 C.F.R. 1.114, filed on December 14, 2006, have been fully considered with the following results.

28. With respect to rejection of claims under 35 USC § 102 and § 103, citing Ittycheriah alone and in combination, the changes entered by amendment either include customizing functions that are presented or made available to the user or include presentation of a profile of functions.

The reference Braman does not explicitly describe that limitation and the current combination of Braman with other references does not make such a limitation obvious compared to the prior art of record for the whole structure and interaction expressed by the combination of all limitations. Accordingly, the rejections are removed. The Applicant's assertions with respect to Braman have been considered, but they are moot in view of the new claim element. Please see new grounds of rejection applied to address the new claim element.

Conclusion

29. The following references here made of record are considered pertinent to applicant's disclosure:

Britton et al. [US Patent 4,785,408] creates application programs to implement a desired telephone IVR, including specifying parameters that customize predefined functions.

Padawer et al. [US Patent 5,220,675] allows a user to install menu commands and edit fields of a customized menu entry to execute any functions by that command the functions.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Division 2626, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DONALD L. STORM
PRIMARY PATENT EXAMINER

January 25, 2007